

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7401 of 2020

1. Hari Prasad Son Of Late Shivdhari Aged About 60 Years Resident Of Karri, Police Chouki Balangi, Thana Raghunathnagar, District-Balrampur-Ramanujganj (CG).

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Chouki Balangi, Thana Raghunathnagar, District-Balrampur-Ramanujganj (CG).

---- Respondent

For Applicant Mr. A.K. Yadav, Advocate

For Respondent /State Mr. Ayaz Naved. Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

10/12/2020

1. Heard.
2. The applicant has preferred this first bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.45/2020, registered at Police Station Raghunathnagar (Chowki Balangi), Dist. Balrampur-Ramanujganj (CG), for the offence punishable under Sections 341, 294, 506, 323, 307, 147, 148 & 149 of the Indian Penal Code.
3. On a dispute concerning possession over the encroached Government land a quarrel took place between the accused party and the complainant party for the reason that according to the complainant party they were possessed of the land, but

the applicant's family started constructing a hut over the plot. Applicant along with his sons Jawahar, Babuva @ Kriparam, Surajlal and Mohilal attacked the complainant party causing injuries over the persons namely; Shyam Bihari, Misrilal, Sukhmati, Sita Yadav, Dev Kunwar & Hasran.

4. In the FIR lodged by eyewitness Bharatlal, son of injured Shyam Bihari allegation of causing assault by axe, club and hand & fist has been attributed to the sons of the applicant. Name of the applicant is not mentioned in the FIR as one of the assailant.
5. Learned counsel for the State would oppose the bail application.
6. Considering the facts and circumstances of the case, particularly considering the fact that the applicant is a sexagenarian and is in custody since 25-8-2020; charge sheet has already been filed; and also considering the fact that his name is not mentioned in the FIR, I am of the opinion that present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri